I trust the necessity for legislation on this subject need not be pressed on the Council further. The poor purchaser must be protected against the frauds which are committed upon him by the wily merchant, who, taking advantage of the diversities which prevail, tries to dupe him. There are loud complaints of such frauds and, although there is provision in the Penal Code for punishing the fraudulent merchant, that provision is practically a dead letter from want of a legally fixed standard, and recently I had to quash on appeal three convictions, because the Sirkar Vakil was not able to show a legal standard. In regard to the *Para* it may not, I think, be possible to introduce the new standard simultaneously throughout the country. In the settled Taluks the new *Para* may be introduced. In other Taluks, the existing measures should be examined and taken note of and standards kept in central offices. It will then be possible to succesfully prosecute persons who use false weights and measures.

With these observations, I request the permission of the Council to introduce a Bill to regulate weights and measures.

Permission was granted accordingly.

HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL.

Mr. Nagam Aiya—As it is not 15 days yet from the publication of the Bill in the Gazette, I beg the Council will suspend Rule 33, to enable me to introduce the Bill.

The Rule having been suspended, Mr. Nagam Aiya introduced the Bill and in doing so spoke as follows :—

"With your permission, Sir, I will offer a few remarks in introducing this Bill. My initial difficulty has been the absence of an authoritative piece of British legislation on the subject, which would not only have considerably lightened the labors of a member of this Council undertaking a similar measure here, but would have created in the minds of random critics a sense of respect and responsibility and thus obviated a deal of needless and reckless criticism. It will, I trust, be patent to the Council that the Bill has been the result of considerable labor, thought and consultation. The public have been taken into confidence and no pains have been spared to canvass their views or benefit by their local knowledge and experience; but nevertheless, I fear the Bill is not sufficiently immuned from the attacks of critics of sorts, coming from all points of the compass. There is nothing however strange in this. It is the common lot of those who are engaged in the refreshing work of putting things to rights, or as one who holds a foremost place amongst the original thinkers and word-painters of this century said : "If no other happiness is to be had, the mere war with Decomposition is a kind of happiness. But the war with the Lord of Decomposition, the old Dragon himself, St. George's war, with a princess to save and win, are none of you, my friends, proud enough to hope for any part in that battle."

One class of critics I can summarily dismiss from consideration, though unfortunately they cannot be included in the uneducated portion of our population. These are critics who have been favoring the public with their objections and remarks on the Bill several months before the Bill itself was framed and published. As their views are not founded on the provisions of the Bill, but on pre-conceived notions of what it might contain, no explanations can be given to them here, nor do they deserve any. But there is another class of critics, by far the largest portion of those whom the Bill will affect, who entertain entirely wrong notions of the object and scope of the measure, who fancy that this Bill is conceived in a spirit of opposition to their vested rights, and whom it is therefore our duty and interest to correct and conciliate. In the following remarks, I will endeavour to remove their misconceptions.

There is yet another class of critics, the vast majority of our population, who form the *cestui qui trust*, as it were, of these endowments and are directly interested in their welfare and benefited by their proper administration. They hail the measure with delight and have welcomed it as glad tidings of great joy. These good folks tell me that the Gods in the temples, enveloped so long in mist and gloom under the baneful influence of malevolent planets, are now approaching their day of

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deliverance and are about to enter the period of prosperity known in popular language (ശുക്രദശ) 'Sukradesa'. The sympathies of this large class of people are with us and are a source of strength and encouragement to the promoters of this Bill. The opinions of experts I quoted in this Council six months ago, in my preliminary speech, faithfully reflected the views of this large section of the public.

To Government itself, the task undertaken is only a labour of love. It is not a question of fiscal policy or acquiring new rights. Legislative sanction is now sought for an undoubted right which Government already possesses and which is inherent in it as *parens patriæ* of its people. No well-organized Government can divest itself of responsibility in the matter of the administration of public trusts, in which so immense a quantity of wealth is involved and upon the proper administration of which so much of the public welfare depends. The judicial tribunals of of the country have declared such to be the right of Government, and the legislature is now invoked to ratify the case-made-law on the subject.

The case-law has already been referred to in my preliminary speech, and will be touched upon only briefly here before proceeding to the Bill itself.

In No. I of 1062 of the Royal-Court of Final Appeal it was held that the Sircar has the power of interfering in the affairs of public institutions, under the control of hereditary trustees, in cases of gross neglect of duty or misconduct, and of assuming the management of such institutions, without recourse to law, if that course is necessary in the interests of such institutions. In the course of the decision, the Judges observed:—"We are not prepared to hold with the learned Judges of the High Court that the Government, in the first instance, are bound to seek the aid of the civil courts, to exercise this power. Any member of a community to which a religious institution belongs, has the power to remove even an independent hereditary trustee with the aid of the civil courts (I. L. R. III, Bom; page 27, III All., page 636 and T. L. R. Vol. VIII page 63). Reason points to the concluson that the Government, which is *parens patriæ*, must possess higher powers than those of its subjects. We think that the executive, on being satisfied of the existence of strong grounds for its interference, may assume the management of public trusts, without prejudice to the rights of the aggrieved parties to obtain redress for wrongs committed upon them, by an appeal to the judicial tribunals in due course of law. The best interests of public trusts require that the Government should possess this summary power. If it is obliged to remove by suit every defaulting trustee, the consequence would be very serious to the interests of religious institutions."

This power, declared by the highest Court in the land to belong to Government, is now taken under section 5 of the Bill. The cases in which Government may assume management of an endowment under this Bill are detailed in that section. Excepting the most dishonest and the most reckless trustees or managers, no one can take exception to the conditions imposed by this section. So far as the interests of the present managers of the endowments are concerned, the grounds for Government interference and assumption of management are most reasonable and fair. Gross negligence or misappropriation of trust funds has been the *raison d'etre* for Government interference in the past, a customary law which has since been recognised by Courts and is now made the basis of action for the present Bill. The other cases pointed out in the section are equally valid grounds for Government interference and action, viz., where an application is made in that behalf by the trustees or donors, where Government already exercises a partial control in the management of the endowments by the appointment of certain officers or servants in them, and lastly where Government have succeeded to the right of management wholly or in part by reason of escheat of trustees.

The propriety of these conditions being taken as justifying grounds for Government interference and assumption of management will, it is hoped, receive universal assent. But I have heard it stated, to my great surprise, as a dogma of what I should designate as fashionable ignorance that Government institutions themselves are not perfect, that Government management of their own temples and

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charities are not unexceptionable, that Government management of the religious and charitable endowments comprised by this Bill will not be a *panacea* for all ills, that the present management by private bodies of these institutions is very excellent and should be taken as models for Government officers to follow in the management of Sircar temples and Sircar charities. It would have been hard for me to believe, knowing as I do from long personal experience the condition of Sircar temples and non-Sircar ones, I say impossible for me to believe in the possibility of such a statement being made by any one acquainted with the country, if I had not actually heard and seen such statements made to me by some of my correspondents. Pause for a moment to consider what is the real condition of Sircar managed institutions and those managed by private bodies. Take any temple assumed in 983 M. E. by Colonel Munro, the then Dewan-Resident. There was a settlement of gardens in 993 M. E., another in 1012 M. E. and a full settlement of gardens and lands now going on throughout the State since 1060 M. E. In almost every case, the rental of the properties of every endowment has increased by either 25 p. c. or 50 p. c. or more. The properties themselves are intact and are increasing in value every year. They are in the hands of ryots regularly paying dues to the Devaswams, as upon Government lands to Government itself, and there is no likelihood in all human probability of either the properties or their rental diminishing in value in the near future. But, on the other hand, take any temple managed by private bodies. In the majority of cases most of the properties have been alienated. Sometimes the michavarom-rents have been sold and even the right of trusteeship itself is mortgaged or heavily encumbered. The collection of the rents is a tardy and cumbrous procedure requiring the aid of civil courts, and hence seldom satisfactorily done, and where the tenants are honest and law-abiding, as is often the case in our country, the rents, if paid, do not reach the temple coffers, as they are generally divided between disputing ooranmakars or the temple-trustees and servants. The ceremonies in such temples are never gone through systematically or regularly. There is no fear of check or control. The public opinion of the village is ineffectual. The temple-doors are seldom open, the *nivadyoms* and *poojas* are defunct. Even the officiating *santicaren* is not paid his wages. Sometimes the temple properties are attached by civil courts and sold for payment of servants' wages. As if all these were not sufficient evil unto the day, there is the element of wrangling and strife, continually going on, between the managing trustees, and a constant stream of litigation flowing into courts, both of which causes act as a permanent drain upon the temple revenues. I have in my hands a list of 51 temples and charities in Travancore owning much wealth, where mismanagement and deterioration of the kind depicted above have been going on for years, and it is the opinion of well-informed people that the condition of these institutions will be past rescue, if Government action comes too late.

On the other hand, what is the worst thing that can happen in a Sircar-managed institution? Some petty peculation within the sanctioned 'Paditharam' (Dittom) of the day's or monthly expenditure. I do not mean to say that it would not be better if such petty peculation and corruption were altogether abolished from our temples and charities, but such perfection, however, is seldom reached in human institutions, or as the Hon'ble A. Sashiah Sastriar wrote in the Travancore Administration Report of 1048 & 1049 M. E. (para 485): "It is impossible all the world over to prevent abuses creeping round charity institutions, whether they be in the nature of lazarettos, hospitals or poor houses, or chuttrums. Though the oottupuras are primarily intended for the relief of the poor and way-worn traveller, they have come in some cases to be regarded as feeding houses for the poor of a resident population. This, of course, is *abuse* of an otherwise useful institution, and abuses, though every measure should be taken to correct and keep them under, would not surely justify their extinction."

I will illustrate the truth of my statement. Take one of the Ooralma temples in the neighbourhood of Trivandrum, the Trivikramangalom Devaswam, for instance, a lovely shrine on the banks of the Karamanai river, known to me since boyhood. It owns properties in the Taluqs of Trivandrum, Neyyattinkara, and Nedumangad, and according to the Kariasthan of one of the Ooralans there, its total Ayacut revenue per year is about 2,340 Parahs of paddy, 400 fanams, and quantities of ghee, cocoanuts, plantains, cadjan (ola) &c. Out of this Ayacut total, the temple

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has now lost about 900 Parahs of paddy, owing to disunion, laches and neglect of its Ooranmakars and servants, the collections not exceeding 1,400 Parahs of paddy per year or 60 per cent of its annual dues. Out of the balance of 40 per cent remaining uncollected every year, 21 per cent is more or less permanently lost to the Devaswam, as that proportion of the michavarom-dues has been either mortgaged or sold in satisfaction of court decrees.

When we go deeper into the details of the transactions, we shall find that the Trustees of the temple or their Karyasthans have directly or indirectly some interest in the mortgages created or have brought about the court sales of the michavarom and jenmom right. An alienation of a michavarom of a Devaswam Trust is as serious a matter as a sale of our Government taxes would be in us for the purpose of raising a fund. Will any one now ask for more proof of mismanagement than this? And yet, numberless instances of a similar nature exist throughout the State.

Take *per contra* a Sircar-managed temple, say the Kalakuttom Devaswam in the Trivandrum Taluq. Its former revenue is shown in the account as 2,885 Parahs of paddy and 655 fanams per year. According to the present settlement, the revenue of the temple is 2,828 Parahs of paddy and 1,147 fanams, i. e., a loss of 57 Parahs or 2 per cent in paddy and an increase of 75 per cent in garden money. Take all the 26 Devaswams of the Trivandrum Taluk together. The old revenue was in kind, 21,388 Parahs of paddy and 13,140 fanams in gardens. According to the present settlement, the paddy amounts to 19,299 Parahs or a loss of 2,089 Parahs or 9 per cent, while the garden revenue amounts to 18,863 fanams or an increase of 43 per cent. The loss in paddy, it must be remembered, in these Sircar Devaswams, is due to an *equitable* settlement of rates on the wet lands and not to mortgage or sale of michavarom or jenmom rights. It is useless to press the argument further, as the comparative condition of the two sets of institutions, Sircar and non-Sircar managed, is very widely divergent.

It cannot be doubted then, that Government interference is both justifiable and necessary, and if it were at all desirable to add further testimony to the weighty evidence already presented to this Council on the point, I beg to refer you to the following opinion of Sir Alfred Lyall who has made a life-long study of Indian questions. He writes:—"The immediate authority and close supervision of a monarch over the powerful religious interests with which he has to reckon at every step is a matter of political expediency, not an affair of doctrine or opinion, but a recognized duty of the State." This salient principle received emphatic support at the hands of the Madras Government in their letter No. 73 dated 26th May 1894, in which they observed:—"His Excellency the Governor in Council has no hesitation in expressing the opinion that the policy of severing all connection between Government and the religious institutions of the country which was enunciated in 1839, given practical effect to in the following three years and invested with legislative authority in 1863 was a grave error."

I am aware that the Government of India hold a different opinion. In their order dated 7th February 1900, they disallowed the Devastanom Bill submitted by the Madras Government, on the ground that it "departs from the principles laid down by the Government of India in their letter of the 7th September 1894 and still maintained by them." It is not for us to question the wisdom of the policy of the august Government of India as laid down in that despatch, or to controvert the arguments which have found favor with them for sticking to their long-formed resolution of strict non-intervention in the management of the religious institutions of the nation; but I need not say more than this, that this Hindu Government of Travancore are managing certain Hindu religious and charitable institutions, that this Bill simply seeks the extension of the benefit of the existing policy of the State to other institutions suffering from neglect or mismanagement. No departure from any established usage or principle of this Government is intended. There is no analogy, therefore, between what was attempted to be done in British India and what this Bill proposes to do.

There seems to be a general apprehension that assumption of management by Sircar may lead to the incorporation of the properties of those endowments with the

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public revenue. This is wholly unfounded. Such is not the intention of Government; and I beg to invite the attention of the public to section 9 of the Bill which lays down:—"Our Government may withdraw their management of any endowment so assumed and return the same to the original trustees or their heirs, if they are satisfied that such a measure will protect the interests of the institution." In my recent circuit to South Travancore, I understood that it was also generally feared that Government will appropriate to itself the savings of the institutions assumed by them during the time that such institutions are under their management. This is another meaningless fear equally unfounded, as it is not clear how there could be savings in an institution *assumed* under the Bill on the ostensible ground of *mismanagement* and *misappropriation* of funds by present trustees. It is enough, however, to assure the public that such is not the intention of Government.

I will next invite your attention to the principal sections of the Bill.

Sections 2 and 3 define what institutions are meant to be comprised by the Bill.

I have found it as the result of my inquiries that there is an almost universal feeling in the minds of the public that *all* the Hindu religious and charitable endowments in Travancore should be brought under the protection of the law. About 85 per cent of my correspondents have expressed themselves in favour of including *all* endowments, whether large or small. They strongly deprecate the exclusion of any endowment, on the ground of the smallness of its endowed fund. In the words of Mr. Sivasubrahmania Pillay B. A., an experienced High Court Vakil of South Travancore—"Every endowment should be brought under the scope of the Bill, irrespective of the value thereof. Endowments are made by persons with a view to secure spiritual benefit, and admittedly it is the duty of Government to carry out the intentions of the donor and to conform to his wishes as far as possible. There is no reason for saying that only rich men's souls should be saved, and those of the poor donors should be left in the cold. Spiritual benefit is the same in prince or peasant. I would, therefore, bring *Thanneerpandals, Chumaduthangics and Vazhiambalams* &c. under the Bill. The *Thanneerpandals* form a numerous class of charities and in some cases, say at Kumaracoil near Padmanabhapuram, at Mandakkad, at Suchindram during festive occasions, the relief they afford to tens of thousands of people is simply incalculable. The existing charities should be maintained and those in disuse should be resuscitated."

I will not trouble the Council with more than one other quotation, and that is from a distinguished former Chief Justice of Travancore, a gentleman well known in this part of India for his high juristical attainments, I mean Mr. T. Chellappa Pillay B. A. and B. L. of Jaffna. He writes:—"All kinds of religious and charitable institutions having funds for their up-keep should, irrespective of their value, come under the operation of the Regulation. The Sovereign should extend his protection to every charitable institution, however insignificant it may be. The aggregate value of several endowments may be very large. If all belonged to the same institution, they would certainly come under the operation of the Regulation. Why should not they, simply because they are scattered over different parts of the country?"

On another point viz. the mismanagement of temple funds, Mr. Chellappa Pillay writes thus as the result of his own personal experience:—"In Travancore, I have personal experience of the temple at Anantanarayanapuram near Alleppey, whose annual income is said to exceed half a lakh. The quarrels among the Adhikaries ended in a suit filed in the Alleppey Zillah Court about the year 1045. When the suit was filed there was not a cash in the treasury of the temple. The daily pujas &c. were performed by borrowing. At the end of five or six years, the receiver appointed by the Court had in his hands between one and two lakhs (I speak from memory). Can there be stronger proof than this of the mismanagement of temple funds?"

It is, therefore, deemed desirable to apply the provisions of this to *all* religious and charitable endowments of whatever value.

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The object of the proviso to section 2 is obvious, and will be acceptable to the public. It is not intended to bring any *private* temples under the operation of the Bill. They will be excluded on the ground of there being no dedication to the public. The remarks of Sir T. Muthuswami Aiyer's Committee are specially valuable on this point. They wrote:—"Private temples are not placed within the scope of the proposed Act. According to the definition given in the draft Bill, a temple is a place of religious worship 'dedicated to or used as of right by the Hindu community or any section thereof.' It cannot be held that private temples have been dedicated publicly and formally to the Hindu community or even any section thereof. They are places of worship for the use of particular families, and this, their essential character, is in no way altered even though persons not belonging to these particular families may be permitted to worship in them. Neither Regulation VII of 1817 nor Act XX of 1863 takes cognisance of private temples. We have no reason to doubt that, with a careful local inquiry, it can be ascertained whether a temple is dedicated to the public or not. That there are such private temples is a matter that admits of no doubt and we have thought it improper to recommend that private temples should be brought under control for the reason that practical difficulties may crop up in distinguishing private from public temples." "Many of the temples in the Malabar District are claimed by the rajahs or ooralars to be private temples and, if such claims are valid, these temples, according to our definition of the word temple, lie outside the scope of the Act. All the other temples, *i. e.* all such as are not claimed to be private temples, fall within the category of public temples managed by hereditary trustees. In the case of these temples, there is a clear necessity for providing safeguards against abuse of trust, and there is no valid ground for drawing a distinction between them and other temples of the same class in other districts of the Presidency."

Section 4 does not require any explanation. Section 511 of the Civil Procedure Code (Regulation II of 1065) will not apply to the endowments dealt with by this Regulation, as the special procedure laid down here will obviate the need for civil litigation, which is not only tardy and cumbrous, but ruinous to the interests of the endowments themselves in every way.

I will pass over section 5 as a full reference has already been made to it. Even the most peccant trustee will see the fairness of the conditions imposed by this section.

Section 6 will satisfy the public that Government does not mean to take any hasty steps in the case of even the most grossly mismanaged endowments. On representations or informations received of the unsatisfactory working of any institution, the Dewan will make inquiries through a responsible officer of Government not inferior in rank to that of a Dewan Peishcar, and act on such report if Government is satisfied that assumption of management is necessary. The enquiry will be conducted under the provisions of Regulation VI of 1073. This will be another guarantee that well-conducted endowments under their present private agencies will not be transferred to Government management, except after earnest and serious deliberation. The fact of assumption will be notified in the Government Gazette, and in four weeks after the notification, the management will vest in Government. On such assumption, these endowments will, in every way, be treated exactly as those at present under Sircar management are.

Sections 7 and 8 indicate the manner in which the assumed endowments will be dealt with by Government after assumption. They will be administered either by officers appointed for the purpose or by committees consisting of officials and non-officials. Some necessary qualifications are indicated to entitle a man to become member of a committee of management. The Council will not require any explanations from me on these qualifications, which are obvisously necessary. In case of management by committees it is laid down that a committee member shall hold office for 3 years, unless he is removed or resigns. The cases when he may be removed from membership are also pointed out. A question has been asked whether it should be left entirely to Government to decide in every case of assumption whether the

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future administration should be done by Government officers or committees, whether the form of future administration should not imperatively be laid down in the Bill itself. I answer that the choice should rest with Government, and that management by committees is not necessarily so great a boon as people unacquainted with the history of committees in British India will fancy them to be. It is a risky statement, in these enlightened days, to make that management by committees can be less beneficial than management by Government officials; but such however seems to be unfortunately the burden of experience. A highly esteemed friend on the other side of the ghauts writes thus, putting the experience of a whole life into one pithy sentence. He says:—"Here in the Madras Presidency, the committees and trustees go shares in the mismanagement." The following statement from another, adds force to the above:—"I know from personal experience in what chaotic state many of the temples are. The augean stables can best be cleansed by an able and energetic officer, rather than by a committee or committees, who will waste their time in wrangling over trivialities. Act XX of 1863 of British India and the Buddist Temporalities Ordinance of Ceylon have both been pronounced to be failures. While Act XX of 1863 does not give the necessary powers to the committees, the Legislature of Ceylon has done all it can to enable them to discharge satisfactorily the duties entrusted to them; and yet a committee is, at the present moment sitting at Kandy to enquire into the causes of the failure of the Ordinance and to remedy its defects. But the evil is in the men and not in the measure, and I do not see what remedies the Legislature can provide against apathy, jealosy, selfishness, &c." However, one thing may be said without fear of contradiction, that a Government which is solicitous of the welfare of these endowments and which acts from no desire of adding to its revenues or powers may well be trusted with the discretion of deciding what course is best adapted for the proper administration of the endowments assumed.

Section 9 has been referred to along with section 5 and will be a source of comfort and solace to trustees, amongst whom there may be searchings of heart.

The need for section 10 is clear and will be generally admitted. For the efficient administration of these endowments, it is necessary that both Government officials and committees should be protected from harassing litigation. Provision has accordingly been made in the Bill for affording them such protection.

Section 11 provides for a fund to meet the expenses incidental to the assumption and management of endowments. The necessity for such a fund is obvious. When we go into the details of what would be necessary for such expenses, the provision will be considered moderate.

Sections 12, 14 and 15 prescribe the procedure to be followed in the conduct of enquiries and collection of fines, rents &c. in relation to them. Section 15 is particularly important, as even in the case of endowments assumed by Government in recent years, the want of facilities for the proper collection of rents, michavarams and other dues, stands in the way of their efficient administration and nullifies, to a great extent, the benefit intended by Government assumption.

Section 13 is an important provision to prevent management by committees becoming an effete one, either by continued absence or wilful neglect on the part of members. A large proportion of meetings in the Educational Boards and Town Improvement Committees of Travancore have, year after year, failed for want of a quorum, which undoubtedly means, in the majority of instances, extreme unwillingness or indifference to the duties, pertaining to their memberships. I was informed that 95 per cent of the Educational Boards' meetings failed in one year on this account. Though I cannot assure the Council to what extent this information is reliable, it shows one thing clearly, that our people do not yet quite realize the responsibility of rendering honorary services. It is no use to have a committee of honorary members with duties of an important nature to discharge, on the understanding that the members cannot be called upon to do any work. I have been told that with this punitive section, no man will be willing to become a member of a committee under this Regulation. My answer would be, "Be it so. We shall have

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have no committees." But I am firmly convinced that it would be worse than useless to have committees which would not meet 95 times out of a hundred convened for conduct of business in a year. This Council of ours, I am glad to say, has not suffered even for once during the last 12 years for want of a quorum though its members, official and non-official, are all busy men engaged in various avocations of life, because no member of this Council has ever been absent from its meetings without just or lawful excuse. When we have committees in the moffusil, it should be our aim to call in the services of earnest and public-spirited citizens who would delight to render yeoman services to the institutions in their neighbourhood, as far as lay in their power. This unwelcome section will then remain a dead letter. The provision is taken from the Ceylon Ordinance No. 3 of 1889, in a slightly modified form. Section 39 of that ordinance lays down that a member "shall forfeit for such first-mentioned act of refusal the sum of one hundred rupees, and for any other act of neglect or refusal the sum of twenty rupees."

Section 16 enables the Dewan to call upon trustees or managers of other than assumed endowments, to submit from time to time accounts of income and expenditure, list of properties, jewels, vessels &c., of the endowments under their charge, and to depute for examination and scrutiny officers of Government to satisfy itself that such endowments are being efficiently and honestly managed, and that no necessity exists in their case, to adopt the drastic remedy of Government itself assuming the management, as provided for in this Regulation. It is firmly hoped that this provision will act as a wholesome check on the tripping managers and trustees of a numerous class of valuable endowments.

The necessity for section 17 will be clear to the Council, for the Bill is made as *concise* as possible and will have to be supplemented by rules which under the section, the Dewan can frame from time to time. He can also prescribe the necessary forms for accounts, statements and returns, to be submitted by trustees, officers or committees under this Regulation.

Whatever the defects or incompleteness of the Bill, it will not, I hope, be denied that no pains have been spared to study the past or attempted legislation of British India on the subject, or obtain the opinions of competent persons both in and out of Travancore. The British Indian Acts VII of 1817, XX of 1863, as well as drafts of Sir W. Robinson's Committee Bill, the Madras Bill of 1887, the Honorable Sir T. Muthuswamy Iyer's Committee Bill, the Honorable Kalyanasundram Iyer's Bill, the Honorable P. Ananda Charlu's Bill, and the Ceylon Ordinance No. 3 of 1889, were consulted in this connection, and the opinions of 325 persons were invited on a series of questions framed specially for the purpose. Only 89 gentlemen have favored me with replies, of which 22 replies are in English and 67 in Malayalam. The 89 consist of 2 noblemen, 30 officials, 8 vakils, and 49 private gentlemen. Of this last class, excluding ryots, farmers and small land-lords, I find 10 are Jenmis of more or less importance in the country, 8 being Brahmin dignitaries and 2 Madambimars. The Council will be pleased to know that all the 10 Jenmis are unanimously agreed in thinking that some sort of Government supervision and modified interference in the management of these endowments is absolutely essential in their interest. At a future date, the substance of these views may be collected and placed before the Council as an aid to our future deliberations.

A wish has been expressed in some quarters that it is desirable to include Christian and Mahomedan endowments of a similar nature under the Bill; but it is considered more advantageous to take them up later on, should such legislative protection be deemed necessary for them by the members of those communities themselves.

In concluding these remarks, I beg to point out that it is only an enabling measure that is attempted here, under which Government may act as necessity arises; let us hope that the necessity may never arise for Government interference under this law, that erring trustees will take the hint and administer the important and valuable endowments under their charge with an eye to their prosperity and the welfare of the beneficiaries under the trusts, that the honest and well conducted

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trustees will see in this piece of legislation a recognition and a reward for their past meritorious services and a legislative commandment to their neighbours to follow their noble example and do likewise, that the souls of the departed donors may rest in peace in the satisfaction that their beneficence is maintained and perpetuated, that future benefactors might feel prompted and encouraged to follow in the wake of the illustrious dead and help their lesser countrymen, in the firm confidence that trusts once created will remain intact and cared for, for all time to come, and that thus the general prosperity of the nation might develop and increase in every way."

Mr. Nagam Aiya then proposed that the discussion of the principle of the Bill be postponed to the next meeting.

The motion was put and agreed to.

VAKILS REGULATION AMENDMENT BILL.

Mr. Ramier.—I beg to move the following verbal amendments in the Bill, *viz*,. in section 24 to substitute 'to' for 'by' in line 2, in section 30 to substitute 'consequent on' for 'for' in line 8, and in section 31, to insert 'fining' between 'transferring' and 'suspending' in line 7. These amendments are merely corrections in drafting.

Seconded by Mr. Kochukrishna Marar.

Carried.

Mr. Ramier.—I beg to move that the Bill as amended be passed and that it come into force on the 1st Chingom 1076.

Seconded by Mr. Prince.

The motion was put and agreed to.

TOBACCO REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—I beg to move that the Select Committee's Report on the Bill to amend the Tobacco Regulation which was presented at the last meeting of the Council be taken up for consideration.

The Bill contains two important provisions—one enabling Government to declare that in any local area the sale of tobacco shall be carried on only under a license, and the other empowering certain classes of officers to search without a warrant from a Magistrate, buildings suspected to contain contraband tobacco, to seize the same if found, and to arrest the persons concerned in the keeping or sale of such article.

Sections 1 and 2 of the Bill which deal with the first of the above provisions have been adopted by the Select Committee with very slight modification. My friend, Mr. Ramier, while signing the report, has recorded a note expressing his apprehensions as to the tendency of this provision. I am quite at one with Mr. Ramier in his view generally of the possible inconvenience and hardship which the rigorous enforcement of a system of license, in respect of an article of general consumption, would cause to the trader as well as the consumer. But it is not intended to introduce the system generally or in any considerable area. It will be confined to a very limited area—possibly to a few villages in the frontier taluks. It may perhaps be said that, with the utmost respect to and confidence in Government, the wisdom of inserting in the law a provision which, if used without proper judgment, may prove injurious to the public, in the hope that it is not likely to be so used, is questionable. My answer is that, in the present case, the interests of Government—not the interests in the broad sense which should always harmonise with the interests of the people—but the financial interests of Government for the protection of which alone the provision in question is intended, would dictate a policy of non-interference, or at all events, of minimum possible interference; for, other things being equal, consumption would vary directly with freedom of trade, and the license

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